

FORM A

FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT
UNDER 42 U.S.C. § 1983

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

Christopher (Bruce) The Living Man
ID #78690

RECEIVED

NOV 29 2016

CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

(Enter above the **FULL** name and inmate
number of the plaintiff or plaintiffs in this action)

vs.

COMPLAINT

No. 4:16-CV-00591-RGE-HCA

Sheriff Bill McCarthy
Joe Simon, Chief Jailor
Capt. Cory Williams

(Enter above the **FULL** name of each defendant
in this action)

(NOTE: If there is more than one plaintiff, the information in parts I and II should be shown for
EACH plaintiff by name, using a separate sheet of paper.

I. Previous Lawsuits:

- A. Have you begun other lawsuits in State or Federal Court dealing with the same
facts involved in this action or otherwise relating to your imprisonment?

Yes () No (X)

- B. If your answer to A is Yes, please answer questions 1 thru 7. (If there is more than
one lawsuit, describe the additional lawsuits on another sheet of paper, using the
same outline.)

1. Parties to this previous lawsuit
Plaintiffs _____

Defendants _____

N/A

2. Court (if Federal Court, name the district; if State Court, name the county)

N/A

3. Docket Number

N/A

4. Name of Judge to whom the case was assigned

N/A

5. Disposition, if known (for example: Was the case dismissed? Was it appealed? Is it still pending?)

N/A

6. Approximate date of filing lawsuit

N/A

7. Approximate date of disposition

N/A

II. Place of Present Confinement

Polk County Jail

A. Is there a prisoner grievance procedure in this institution?

Yes (☒) No ()

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes (☒) No ()

C. If your answer is Yes,

1. What steps did you take?

Wrote to Joe Simon, Sheriff, filed grievances, filled out hundreds of Kites

2. What was the result?

N/A, ~~Sheriff~~ Capt. Williams returned 2 letters, no results

D. If your answer is No, explain why not

N/A

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes () No ()

N/A

F. If your answer is Yes,

1. What steps did you take?

N/A

2. What was the result?

N/A

III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiff(s), if any.)

A. Name of Plaintiff

Christopher (Bruce) the Living Man

Address ID # 78690 N 721

B. Additional plaintiffs N/A

(In item C below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item D for the names, positions, and places of employment of any additional defendants.)

C. Defendant Sheriff Bill McCarthy
is employed as Sheriff, Polk County
at ?

D. Additional defendants Chief Taitler, Joe Simon, Polk Cty. Jail
Captain Gary Williams, Polk County Jail

IV. Jurisdiction

This complaint is brought pursuant to 42 U.S.C. § 1983, and jurisdiction is based on 28 U.S.C. § 1343. Plaintiff(s) allege(s) the defendant(s) acted under color of state law with regard to the facts stated in part V of this complaint.

V. Statement of Claim

(State here as briefly as possible the **FACTS** of your case. You **MUST** state exactly what each defendant personally did, or failed to do, which resulted in harm to you. Include also the names of other persons involved (for example, other inmates) and state the date and place of all events. Attach an extra sheet if necessary, and write the heading **PART V CONTINUED** at the top of the sheet. Keep to the facts. Do not give any legal arguments or cite any cases.)

See Attachment "A"

- VI. (State briefly exactly what you want the Court to do for you. Make no legal arguments. Do not cite cases or statutes.)

Please see the end of Attachment "A" for relief. I am asking to defend myself and myself and allowed what I said to others to be used against me. The defendant requests relief in the amount of \$10,000 or \$10,000 per defendant.

VII. Statement Regarding Assistance in Preparing this Complaint

- A. Did any person other than a named plaintiff in this action assist you in preparing this complaint? Yes () No (X)
- B. If your answer is Yes name the person who assisted you.
- C. Signature of person who helped prepare complaint.

(Signature) N/A (Date) _____

VIII. Signature(s) of Plaintiff(s)

Signed the 25th day of November, 2016.

(Signature of Plaintiff)

[Signature] T. L. M.

Signatures of additional plaintiffs, if any:

N/A



[Signature]

Attachment "A", Complaint

I, Christopher the living man, do make this complaint against Sheriff Bill McCarthy, Joe Simon, Chief Jailor of the Polk County Jail; and Captain Cory Williams, also of the Polk County Jail, in regards to my past and present incarceration in that jail in Des Moines, IA, in Polk County, in the Southern District of Iowa.

I. That kite requests numbering well over 100 are and have not ever been answered, or if they have, no results are noted, and none are returned to I, the author.

II. That countless grievances have been filed. Some are returned all with "denied" and "ungrievable/non-grievable" offence on them in reply. At least half are answered and never returned (I usually have to ask for the answer), and some are never seen again.

III. To the matter of grievances in general, grievances are defined as "an official statement of a complaint over something believed to be wrong or unfair" and goes on to say "Informal resolutions of disputes between the inmate and staff member is strongly encouraged." Later, in the "Inmate Handbook" where grievances are defined (Section 6 - Grievances and Complaints) it gives steps 2 and 3 of the grievance process as "All grievances will be investigated. If you still feel your grievance is not satisfied, you may write an

appeal to the Chief (Tailor) (Step 2). If you are still unsatisfied, you may write to the Following:

Sheriff Bill McCarthy
1951 NE. 5th St. Pl.

Des Moines, IA 50313-2517" (Step 3)

Concerning the aforementioned definition, ALL matters are "grievable"; yet base level "staff members" are allowed to question you about what you're grieving about; then deny you a grievance form. Worse yet, the "staff member" who approves (or doesn't approve) your grievance or the form itself is usually where the problem lies. This person should NOT be (and isn't) involved in the grievance process at all, according to the "handbook"; yet is able to thwart your complaint as he sees fit.

As for steps two and three of the grievance process, appeals to the chief (to i-) were answered by "Captain Williams" (Captain Cory Williams, defendant) as were letters to "Bill McCarthy". Letters to both steps 2 and 3 cost the inmate a \$.64 envelope, and both are answered by "Captain Williams", someone not even involved in the grievance process (see above). This costs the inmate undue postage, and is a blatant misrepresentation of this grievance process.

This grievance process is unproductive, ineffective, offences are continually "denied" and "ungrievable", and the chain of steps

does not exist as presented.

IV Pro se rights are not technically denied in writing, but are blatantly discouraged in every way while you are incarcerated. No electronic means of filing legal documents is available (and very easily could be, via networking blocks and privileges), so filing documents costs \$.64 per document mailed, and mail does not arrive in a timely manner (one envelope I mailed to the Clerk of Court took 9 days to arrive). Phone calls are only offered on phones that cost you from \$2.57 to as much as \$4.00 to connect and \$.45 a minute for calls in Iowa, and \$.21 cents a minute for out of state long distance (as much as \$4.20 a 20 minute call). Additionally, because of the addition of Miranda rights (read to both the caller AND the recipient of the call) to your phone calls, a lot of folks (family, witnesses, lawyers and more) won't even answer the phone for fear of malicious and unlawful prosecution... and with good cause, for phone calls are now as good as unknowing interrogations, and can be "used against you in a court of law." Marital privilege and work-product privilege means nothing; even video visits are recorded. This is a massive deprivation of pro se, due process and the Constitutional right to defend yourself in your own person. Furthermore, evidence on a computer, online, on CD/DVD or video soundbytes, or any media cannot be reviewed unless a legal representative brings it and the means to review it into a visiting room. Witnesses for the prosecution cannot

be interviewed or deposed.

Finally, legal access and legal materials are massively reduced. Admission to a "law library" comes at an average of once a week. In a period of 90 Days (at around an hour at a time for about 12 hours altogether) for 12 hrs of access time, this is hardly enough time for an EXPERIENCED lawyer to handle a simple misdemeanor case, let alone a pro se defense. If you opt to write your documents (access to a PC involves a PC not hooked to the internet, i.e., a word processor with no spell checker/online dictionaries) you are not able to get copies, and if you type them to get copies printed, an hour is never enough time to do more than 3 pages, and files are usually erased by the time you're allowed back in again.

IV. The policy, when someone gets in an argument, is generally that both inmates are moved. But when someone threatens me, and I need to be safe, the offending party remains where they are; but I am taken out in cuffs and placed in a small room until they find somewhere to put me. Meanwhile, they rifle through my things and take all the supposed "contraband" they don't want me to have; things they don't care if you have normally. Once, I was threatened I asked to be moved before anything went wrong. The C.O. agreed, and I packed my things and left. They already had a place for me, and before I even got to my new cell,

former pod and found nothing...but this time when they looked, it was found just as it was with ONLY my court papers inside. I wrote Joe again and asked to be reimbursed for the missing items (that were in a bag that only I and the red team had) to no avail. Once again I was later removed from a pod (where someone had AGAIN threatened me) and this time, I wasn't allowed to pack my things. Again, I had JUST gotten \$30 in commissary. While I waited for my things, other inmates went into my cell and stole my things. Again, I had a receipt to show the things that were missing, and wrote Joe Simon again asking for reimbursement. Again, Captain Williams wrote me to tell me I was out of luck.

When something of the jail comes up missing, the Polk County Jail will turn the pod upside-down and run the cameras back, then punish the whole pod over a .25¢ pair of gloves, a missing food tray or a pair of finger-nail clippers. When a \$150 commissary bag is stolen from an inmate, however, shoulders shrug and inmates are often told they used to watch their things, even when it's because of Jail Staff that you're not able to.

VI. Conclusion: The staff and courts often deprive inmates of their rights and violate their rights on an almost continual basis. Sheriff McCarthy has recieved emails

I was threatened again. I told the C.O., and he called the red team. They took me out in cuffs; I had my bag in my hands the whole time. The red team took my bag from me. After 20 minutes, they gave me my half empty bag, forced me to my feet and took me to the SHU, where they took my bag from me AGAIN. They returned it to me in the middle of the night, after I was asleep.

The next morning, I emptied my bag to find that \$8.84 worth of things were gone, including a brand new folder with ALL of my court papers in it, 2 new writing pads and 4 new envelopes. I had receipts and exact ledger entries showing that I had received these items the day before the SHU and the day OF the SHU. I had all of my trial preparations and writings that were irreplaceable as well. I filled out kites on every shift for 3 days, then filled out a grievance. Administration said I didn't belong in the SHU for what I had endured, dropped the charges and released me. After arriving at my new pod, I began asking about my things again, and was told that my grievance brought no acceptable results. I then took the next step, and wrote to the Chief Tailor, defendant Joe Simon. Two days later, a C.O. came to me waving ONLY my green folder... with ONLY my court papers inside (remember that they had told me that they had looked in my

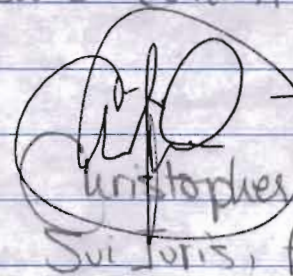
containing links to several articles I've written about his jail that describe in full how inmates' rights are violated and the Sheriff read them 34 times... and has done nothing in response. He advertises how he "runs an efficient jail", yet appears to not get personally involved in the operation or the "grievance process" of the jail at all. The plaintiff hereby files complaint of negligence and indifference to inmate grievances, the operation of his jail, and to the civil, due process, pro se and Constitutional rights of inmates.

Joe Simon, Chief Jailor of Polk County, allegedly oversees Jail operations and claims to be "Step 2" in the grievance process. Joe Simon evidently has no real concerns about inmates' grievances, or the deprivation and violation of their rights either. One more complaint of note, the B.O.P. and Iowa State Prisons are required to give their prisoners one hour outside. I have been at the Polk County Jail since August 16th, 2016, and before that from May 4th to July 4th, and before that from January 26th to April 16th; and the only time I have ever been outside is on my way to court and back. This is a massive deprivation of a **FEDERALLY MANDATED RIGHT!** The plaintiff herein charges Chief Jailor of indifference and negligence to the grievances of inmates, and to the obvious violation and deprivation of their rights.

Concerning Captain Cory Williams, obviously the person in charge of the operation of this jail, I place All accountability in the negligence of complaints of inmates, the condition of the "grievance" process, and neglect of the property of inmates that is obviously mostly stolen by his staff. Another complaint worthy of note, inmates are issued substandard, damaged, disease ridden clothing, worn by hundreds of inmates. They are forced to sleep on flat deflated mats with used sheets and no pillows. This is a major health hazard, as is placing 64 inmates together in a 94' by 58' pod.

In relief, the plaintiff asks that room and board, in the amount of approximately \$30,000 (\$60-\$75 per day charged) be discharged against the plaintiff (\$3,375 has already been approved for collections, even though I'm still incarcerated), and that each defendant be charged \$30,000 in restitution to the plaintiff for the deprivation of his civil, due process, prose and Constitutional rights.

For more information on the Operations of the jail, see the articles entitled "The Polk County 'Polkie' on America's Deadly Sins" @ <http://themichtyswordamericasdeadlysins.blogspot.com>

 T.A.M.
Christopher (Bruce) the Living
Sui Juris, All Rights reserved
Without Prejudice
UCC1-308, formerly UCC1-207



JEFF CASKEY
COMMISSION NO. 766026
MY COMMISSION EXPIRES
12/27/19

